

## REMARKS

Claims 44-48, 50, and 68-78 are pending in this application. Claims 1-43, 49 and 51-67 were previously canceled.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 44-48, 50 and 68-78 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2004/0122926 (“Moore”).

All of the anticipation claim rejections are based on Moore, which was filed in December 23, 2002. The filing date of the present application is within one year after the filing date of Moore. Applicant respectfully traverses all the anticipation claim rejections on the ground that Moore does not qualify as prior art for the reason that Applicant’s invention date precedes the filing date of Moore. Enclosed with this paper are the Declarations of co-inventors, Joseph Pruitt and Gary Mager, in accordance with 37 C.F.R. § 1.131 evidencing Applicant’s invention date preceding the filing date of Moore and the due diligence in actually reducing the invention to practice as well as constructive reduction to practice via the preparation of the present patent application filed in November of 2003.

**CONCLUSION**

Applicants submit that claims 44-48, 50, and 68-78 are in condition for allowance and action toward that is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (312) 425-8641.

It is believed that no additional fees are due; however, should any fees be required (except for payment of the issue fee) or credits due, the Commissioner is authorized to deduct the fees from or credit the overpayments to Nixon Peabody Deposit Account No. 50-4181, Order No. 812495-000220.

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Respectfully submitted,

/Wayne L. Tang, Reg. 36,028 /

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